

Exhibit C

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JOE LEWIS LUQUE, *et al.*,

Plaintiffs,

v.

3:09CV5885 (CRB)

AT&T CORP., *et al.*,

Defendants.

**DECLARATION OF JOE LEWIS LUQUE IN SUPPORT OF PLAINTIFFS'
MOTION FOR COLLECTIVE ACTION CERTIFICATION**

I, JOE LEWIS LUQUE, hereby declare as follows:

1. I make this Declaration based upon personal knowledge. I am one of the named Plaintiffs in this action.

2. I am over 21 years of age and fully competent to make this Declaration. My address is 2247 Randolph Street, Delano, California 93125.

OVERVIEW OF MY JOB AS A LEVEL ONE MANAGER

3. I was an employee of AT&T Corp. ("AT&T") in various positions throughout California from 1972 to 2009. At the time of my retirement in September 2009, I was a **Level One Manager for Operations** in Bakersfield. I held this particular job for approximately three years. The Operations department is responsible for maintaining and fixing the cables that deliver AT&T's telephone, internet, and cable television services to its customers. My main job was to pass information between the company and a group of technicians who went into the field to make repairs on AT&T's cables. Because I worked with technicians in the field, I was also known as a **Field Manager**. I had almost no authority over the technicians that I worked with and had virtually no discretion in performing my job duties. My job required me to work at least 55 to 60 hours per week, but the company did not pay me overtime.

My Employment History at AT&T

4. I began my employment with AT&T working for the Pacific Bell Telephone Co. ("PacBell"), which at the time was owned in large part by AT&T. On January 1, 1984, with the breakup of AT&T, I became a "Legacy" AT&T employee employed by AT&T Corp.

5. It is my understanding that in California there are approximately 50 to 100 Legacy employees similar to me who were absorbed into the new AT&T. As a Legacy employee, I worked alongside PacBell Level One Managers. We had the same job duties and responsibilities.

My Work Schedule

6. As a Level One Manager, I routinely worked an average of 55 to 60 hours per week or more for the company. Even though I regularly worked more than 40 hours per work week, AT&T classified me as an exempt employee who was not entitled to overtime compensation under the labor laws. I did not receive any overtime compensation for hours that I worked over 40 in a work week.

7. While many Level Ones are required to work a periodic “duty” shift in which they are on call 24 hours per day for seven days in a row, the nature of my position was such that I was always on the “duty” shift. I was required to be on call every day in the evening and through the night. When I received calls, I was required to respond immediately

8. In addition to my regular work schedule and “duty” work, I was expected to work extra hours when ordered by my Level Two Manager or when extra work needed to be done, regardless of personal circumstances such as previous obligations or holidays. My supervisors often said: “You are always available, no matter where you are.”

Nature of My Work

9. As a Level One Manager, I worked with a crew of 13 technicians who repaired and maintained cables from Los Angeles to Merced and San Jose. When a cable break occurred, I would receive a pre-generated repair order from our computer system which I then communicated to the technicians. The technicians then had to find out where the cable was cut and either fix it or call contractors to repair it. I had almost no discretion or authority in performing my work. I mainly served as a conduit to pass information between the company and the technicians that I worked with.

10. My job duties were closely controlled by the company. My main duties consisted of clerical tasks and paperwork, passing work to technicians, relaying information between the company and the technicians, and performing safety and quality inspections with a detailed checklist given to me by the company.

Other Level One Managers

11. I believe there were at least 200 to 300, Level One Managers who worked with technicians at AT&T in California during the time that I was a Level One Manager. These Level One Managers worked in areas such as cable maintenance, fiber optics, and radio. They all had duties, responsibilities and authority similar to mine. From speaking with my former co-workers, I know that many of them want to join this lawsuit against AT&T and PacBell.

MY JOB DUTIES AS A LEVEL ONE MANAGER

My Daily Job Duties

12. I began each day by checking voicemail messages and emails from my home computer at 6:00 a.m. I would go into my office in Bakersfield at approximately 7:30 a.m.

13. Although part of my job was to relay work assignments from the company to the technicians, they often retrieved their job assignments directly from the dispatch system, which they could access from their home computers. They had to check both the GFI ticketing system, which assigns outside plant “tickets” related to cable maintenance, and the WMS (Work Management System) ticketing system, which assigns internal maintenance work to keep company equipment functional. I had many technicians who did not work in my Bakersfield office who would check their job assignments from home. Even those that did work in Bakersfield could access their work “tickets” from their home computer and go straight to the work sites without coming into the office.

14. After checking additional voicemails from the office, I would go into the field. Each week, I rotated between the north, south, and west regions, or stayed in Bakersfield. My work in the field required me to go as far north as Merced and as far south as Los Angeles and Mission Viejo.

15. I had to check-in once I arrived to a particular region to let the technicians know I was in the area to meet with them in the field. In the field, I would observe the technicians doing their work and perform basic quality and safety inspections following standard procedures set by the company.

16. After noon, I would go back to the office and spend most of the remaining part of the day on clerical tasks. I checked emails and did a great deal of paperwork. I also had to enter information from various forms into the computer system.

17. At about 4:00 pm, I would leave for Bakersfield and get home at approximately 7:00 or 8:00 p.m. Upon reaching my home, I had to immediately check work emails and voicemails and follow-up with them. In addition to responding to dozens of messages, I also had to complete more paperwork. Usually, I would work until I went to bed around midnight. Each day, I would wake up at 4:00 or 5:00 a.m. to start the same routine all over again.

Assignment of Jobs to Technicians

18. Job assignments are given to technicians by the work management system (WMS). I did not determine which technician would work on a particular job, nor did I decide the time frame within which the work had to be done.

19. If a technician was overloaded, I could act as an intermediary between technicians and ask an underworked technician to help the overworked technician. I could not order a technician to help out. I could only suggest it.

20. Technicians worked independently in responding to the workload generated through our computer system. I generally was not involved in the work technicians did at their assigned sites.

Discipline of Technicians

21. Discipline was handled by my supervisors and was guided by strict company policy. I had only minimal authority to discipline technicians. My suggestions to upper level managers were given little, if any, weight.

22. I could inform my Level Two Manager of any inappropriate behavior I observed, but it was up to him to decide how to proceed. I could report information, but couldn't take any action.

23. For as long as I was at AT&T, Level Two Managers and above were always the ones to make the decisions about disciplinary action, hiring, and firing. That was the protocol as long as I can remember.

Technician Personal or Vacation Days

24. I had very limited authority to approve or deny technicians' requests for vacation or personal days.

25. Technicians requested vacation time at the beginning of each year. The granting or denial of these requests was governed by union contracts.

26. In the last six years of my employment at AT&T, Level One Managers became even more tightly regulated. For example, when I first started at AT&T, we could give our technicians a few paid hours off on Christmas Eve or New Year's Eve so they could spend time with their families. For the last six years, I wasn't able to do that – I was told it was against company policy. We had no discretion in giving our technicians time off.

27. Even if someone stayed up an entire night working, I had no discretion to let them go home or give them some paid hours off.

Quality/ Safety Inspections

28. I was required to perform routine safety and quality inspections of my technicians at their worksites. The protocol for these evaluations was dictated by a preset checklist given to me by the company.

29. I had no role in creating or altering the checklists. They were comprised of simple “yes” or “no” questions. There was no real judgment or discretion required on my part.

30. Even in my annual “appraisals” of employees, I had no latitude in evaluating the technicians. This was basically a numbers game – I had to record computer generated data regarding how many job “tickets” were received, how many were worked, and how many were completed. There was no opportunity to offer opinion or subjective evaluation. The objective information I was required to input was specified by a pre-formatted checklist. The checklist had to be reviewed by my Level Two Manager to make sure the data was accurate and uniform. If there was something my Level Two didn’t like he would ask me to change it. I thought there should have been an evaluation of the technicians that went beyond just numbers and delved into personal characteristics, but I did not have the authority to evaluate them by any other standard.

Hiring/Firing and Promotion of Technicians

31. I was not involved in hiring my crews of technicians. They were assigned to me and I could not personally hire or select anyone.

32. I had no authority to fire technicians. I could report inappropriate behavior to my supervisor, and he made any decisions about termination.

33. On one occasion, I tried to terminate a technician who was high on drugs on the job and who had abandoned his company vehicle. I contacted management to inform the company of my decision and an upper-level manager responded: “Who the fuck do you think you are to fire someone?! You can’t fire anyone. You don’t have the authority.” I was told to reinstate the technician and place him on administrative leave pending the company’s investigation. Ultimately, the company decided not to terminate the employee. He resigned a few months later after a drug rehabilitation program proved unsuccessful.

34. I also did not have any authority to promote technicians. I could make suggestions to my managers, but these were often ignored.

Ordering Supplies

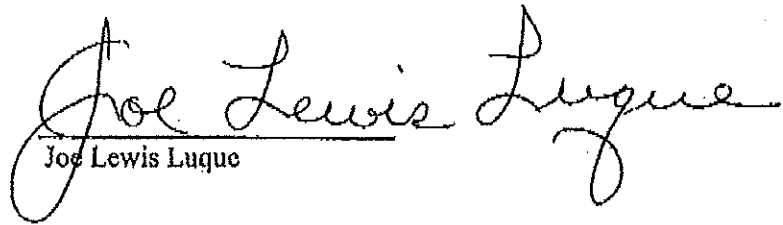
35. I did not determine the tools and equipment to be used by technicians. Materials were either provided by the company or I was instructed by my supervisors to order certain items from an outside supplier. I could only place orders with approval from my Level Two Managers and within preset per item and per month limits.

Training

36. I did not have a role in training technicians. Technicians received their primary training from the company’s training center and online computer programs.

I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING IS
TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dated: April 19, 2010
Delano, California


Joe Lewis Luque